

# **EXHIBIT B**

**BERANBAUM MENKEN LLP**

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JOHN A. BERANBAUM<sup>o</sup>  
BRUCE E. MENKEN  
JASON J. BLOOM<sup>a</sup>  
JENNIFER L. SMITH

<sup>o</sup> ALSO ADMITTED NJ, PA  
<sup>a</sup> ALSO ADMITTED NJ

**By Electronic Mail Only**

September 3, 2010

Joseph Labuda, Esq.  
Jamie Felsen, Esq.  
Milman Labuda Law Group PLLC  
3000 Marcus Avenue  
Suite 3W3  
Lake Success, NY 11042

RE: Clover, et al., v. Shiva Realty, et al., 10 Civ. 1702 (RPP)

Dear Joe and Jamie:

As agreed, attached find the attorney time records for our associate, Jennifer L. Smith, and myself concerning the above matter.

Ms. Smith billed a total of 20.75 hours and charges her hourly clients \$300 per hour. She is a 2002 New York University Law School graduate and is a third year associate at our firm.

I billed a total of 30.90 hours and charge my hourly clients \$500 per hour. I have been practicing law over 23 years and was awarded attorneys fees in 2009 by an Eastern District Judge and Northern District Judge at an hourly rate of \$450.

We exercised billing judgment and did not bill for various small tasks and many short telephone calls with our clients and your firm. We also did not bill for on-line legal research and photocopying.

The total amount of attorneys' fees, inclusive of costs, is \$22,310.

Very truly yours,



Bruce E. Menken

BEM:os  
w/enc.

September 3, 2010

Christine Clover  
 2300 Pitkin Avenue  
 Apt. #2  
 Brooklyn, NY 11207

Stephanie Cortes  
 615 East 104<sup>th</sup> Street  
 Apt. #209  
 Brooklyn, NY 11236

RE: Clover, Cortes, et al., v. Shiva Realty, et al., 10 Civ. 1702 (RPP)

### **MENKEN BILLING STATEMENT**

|         |   |      |
|---------|---|------|
| 2/19/10 | Initial meeting with Christine Clover (CC) and Stephanie Cortes (SC) to discuss case and potential claims | 2.25 |
| 2/24/10 | Review documents produced by CC and SC  | .75  |
|         | Search NYS Corporations data base for proper names of defs  | .50  |
|         | ECF search of defendants, review pleadings in franchise case  | 1.25 |
|         | TC w/Wash. D.C. franchise attorney (Ashley Ewald, Esq)  | .20  |
|         | TC w/NYC franchise attorney (Ronald Degen, Esq.)  | .20  |
|         | Draft summons and complaint   | 2.75 |
| 2/25/10 | Meeting w/CC and SC to review complaint, sign consent to sue forms, discuss complaint                     | 1.25 |
| 3/2/10  | Finalize summons and complaint  | .75  |
|         | Letter to United Process Service re: filing   | .25  |
| 3/19/10 | TC w/possible witness, Anthony Catapano, re: case   | .40  |
| 4/8/10  | Review records of CC and SC   | 2.25 |
|         | TC w/CC re: her documents   | .25  |
|         | TC w/SC re: her documents   | .25  |
|         | Email to Labuda re: basis of claim, settlement possibilities  | .40  |
| 5/20/10 | Review Defs' Answer   | .25  |
|         | Review Judge Patterson's individual rules   | .10  |

|         |  |      |
|---------|--|------|
|         | Letter to Labuda re: calendar notice   | .10  |
| 5/27/10 | Prepare for court appearance   | .25  |
|         | Court appearance w/travel  | 1.10 |
|         | Review Defs' settlement proposal w/documents   | 1.50 |
| 6/1/10  | Review Defs' Rule 68 offer   | .20  |
|         | TC w/CC re: R. 68 offer  | .20  |
|         | TC w/SC re: R. 68 offer  | .20  |
| 6/11/10 | Letter to CC re: status  | .20  |
| 6/21/10 | Review and edit Plaintiffs' Motion for Cond Cert   | .50  |
|         | TC w/Labuda  | .25  |
| 6/29/10 | Review Felsen letter to court  | .10  |
|         | TC w/Felsen re: briefing schedule  | .10  |
|         | Review Defs' Rule 26 Initial Disclosures   | .10  |
|         | Review Defs' First Request for Production of Documents   | .25  |
|         | TC w/CC and SC re: Defs' Req for Production of Docs  | .25  |
| 7/2/10  | Meeting w/Jennifer Smith (JLS) re: settlement possibilities and numbers  | .50  |
|         | TCs (2x) w/Felsen re: brief schedules, settlement discussions  | .30  |
| 7/12/10 | Review entire file to review the accuracy of defs' Rule 68 and valuation of damages                                      | 1.25 |
| 7/14/10 | TCS w/Labuda (2x) re: settlement   | .40  |
| 7/15/10 | TC w/CC re: settlement   | .25  |
|         | TC w/SC re: settlement   | .25  |
|         | TC w/Labuda re: settlement   | .25  |
|         | Review Defs' Mem of Law and supporting papers in support of Mot to Dismiss   | 1.0  |
| 7/19/10 | Review Labuda letter to court re: Rule 68 and conflict   | .10  |
| 7/23/10 | Legal Research re: public policy argument against R. 68 offers extinguishing FLSA class cases - <u>Reed, Davis</u> cases | 2.50 |
| 7/27/10 | Review and edit JLS Mem in Opp to Defs' Motion to Dismiss  | .50  |
|         | Review Defs' Mem of Law and supporting papers in Opp to Pls' Mot for Cond Cert   | 1.20 |

|         |   |                    |
|---------|---|--------------------|
| 8/3/10  | TC w/Labuda and Felsen (2x) re: settlement                      | .30                |
|         | Meet with JLS and prepare for meeting w/CC and SC               | .25                |
|         | Meeting w/CC and SC re: settlement terms                        | .90                |
| 8/12/10 | TC w/Labuda re: settlement; TC w/court clerk                    | .20                |
| 8/13/10 | TC w/Felsen   | .10                |
|         | TC w/Labuda re: pending court conference                        | .10                |
| 8/17/10 | Review Defs' proposed release agreement                         | .50                |
|         | TC w/CC re: agreement, will sign release                        | .20                |
|         | TC w/SC re: agreement, will sign release                        | .20                |
| 8/18/10 | TC w/Labuda re: revision of release                             | .20                |
| 8/30/10 | TC w/Labuda re: status of his clients' execution of agreement   |                    |
|         | attorneys' fee records  | .10                |
|         |   | -----              |
|         | HOURS WORKED:   | 30.90              |
|         | HOURLY FEE:   | \$500.00           |
|         | COSTS AND DISBURSEMENTS:  | \$635.00           |
|         | (USDC filing fee: \$350; Service of Process on all Defs: \$285) |                    |
|         | TOTAL AMOUNT OWED THIS BILL:                                    | \$16,085.00        |
|         | <b>BALANCE DUE:</b>   | <b>\$16,085.00</b> |

September 3, 2010

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 2300 Pitkin Avenue  
 Apt. #2  
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 615 East 104<sup>th</sup> Street  
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RE: Clover, Cortes et al., v. Shiva Realty, et al., 10 Civ. 1702 (RPP)

**SMITH BILLING STATEMENT**

|               |   |       |
|---------------|---|-------|
| 6/10/2010     | Draft collective action motion: Notice of Motion, Affirmations in Support, Memorandum of Law                                  | 3.5   |
| 6/17/2010     | Meet with clients to review Declaration in Support of Motion for Conditional Certification. Revise and finalize Declarations. | 2.5   |
| 6/22/2010     | Review and revise Motion for Conditional Certification. Prepare and Efile Motion  | 2.0   |
| 6/30/2010     | Review client documents. Compare client records with Ds' records. Calculate damages.  | 2.5   |
| 7/2/2010      | Meeting with BEM to discuss case.   | 0.5   |
| 7/26/2010     | Legal research re subject matter jurisdiction and Ds' Motion to Dismiss   | 1.5   |
| 7/28/2010     | Draft Memorandum in Opposition to Defendants' Motion to Dismiss.  | 8.0   |
| 8/3/2010      | Meeting with BEM to discuss case  | 0.25  |
| HOURS WORKED: |   | 20.75 |

|                              |                   |
|------------------------------|-------------------|
| HOURLY FEE:                  | \$300.00          |
| COSTS AND DISBURSEMENTS:     | \$000.00          |
| TOTAL AMOUNT OWED THIS BILL: | \$6,225.00        |
| <b>BALANCE DUE:</b>          | <b>\$6,225.00</b> |